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MAY 05 1994

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**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

May 4, 1994

BY OVERNIGHT MAIL

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20544

Re: In the Matter of Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHZ Frequency Bands; CC Docket No. 92-166

Dear Commission Secretary,

Enclosed are an original and ten (10) copies of the Texas Advisory Commission on State Emergency Communications' ("TX-ACSEC") Comments to the Notice of Proposed Rulemaking in CC Docket No. 92-166. Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott A. Sawyer".

Scott A. Sawyer
Assistant Attorney General
Counsel for TX-ACSEC

No. of Copies rec'd 0+9
List ABCDE



**Office of the Attorney General
State of Texas**

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MAY 05 1994

FCC MAIL ROOM

DAN MORALES
ATTORNEY GENERAL

May 4, 1994

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

Re: In the Matter of Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHZ Frequency Bands, CC Docket No. 92-166

Dear Commission Secretary:

The Texas Advisory Commission on State Emergency Communications ("TX-ACSEC") submits this letter to serve as comments to the Notice of Proposed Rulemaking in CC Docket No. 92-166 released on February 18, 1994. TX-ACSEC has only recently learned about this proceeding and could not provide detailed comments because of time constraints. We reserve the right to reply to comments filed in this proceeding.

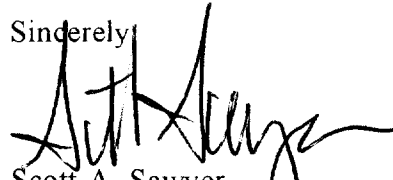
TX-ACSEC is the authority in the State of Texas that is responsible for administering the implementation of statewide 9-1-1 service; developing minimum performance standards for equipment and operation of 9-1-1 services; and allocating available funds to assist in the creation and operation of 9-1-1 services in all areas of Texas. *See*, Texas Health & Safety Code Ann. § 771.051 (Vernon Supp. 1994).

TX-ACSEC is participating in GEN Docket No. 90-314, In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services. *See*, TX-ACSEC's Petition for Reconsideration in GEN Docket No. 90-314 filed on December 7, 1993, TX-ACSEC's Supplemental Petition for Reconsideration in GEN Docket No. 90-314 filed on December 8, 1993; TX-ACSEC's Reply to Opposition of Petition for Reconsideration filed on January 12, 1994; and the attachment to TX-ACSEC's Reply to Opposition of Petition for Reconsideration filed on January 13, 1994.

In its Petition for Reconsideration in Docket No. 90-314, TX -ACSEC requested the Commission to grant reconsideration and adopt rules that condition issuance of a Personal Communicaitons Service ("PCS") license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use. TX-ACSEC also requested that the Commission grant reconsideration and amend its rules to impose a substantive requirement for PCS licensees that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with the National Emergency Number Association and the Associated Public-Safety Communications Officers, Inc. in developing this standard. However, if the Commission does not grant reconsideration, TX-ACSEC has asked the Commission to immediately institute a proceeding to address E-9-1-1 and related issues with regard to PCS, cellular and other relevant mobile services. *See*, TX-ACSEC Petition for Reconsideration pages 3, 5, and 7.

TX-ACSEC has the same concerns in CC Docket No. 92-166 with respect to mobile satellite services as it has in Docket No. 90-314 pertaining to PCS. TX-ACSEC wants to ensure that all people in Texas get immediate emergency assistance by dialing 9-1-1 through all types of communications technology used to originate an emergency call. A copy of TX-ACSEC's Petition for Reconsideration, Supplemental Petition for Reconsideration, Reply to Opposition of Petition for Reconsideration and the attachment to the Reply to Opposition of Petition for Reconsideration in GEN Docket No. 90-314 are attached to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Sawyer", with a long horizontal flourish extending to the right.

Scott A. Sawyer
Assistant Attorney General
Counsel for TX-ACSEC

7501/1017
MAY 05 1994
FCC 93-451

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Amendment of the Commission's)	GEN Docket No. 90-314
Rules to Establish New Personal)	
Communications Services)	RM-7140, RM-7175, RM-7618

PETITION FOR RECONSIDERATION

**NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC), by and through DAN
MORALES, the Attorney General of Texas, and submits this PETITION FOR
RECONSIDERATION of the Commission's Second Report and Order, released
October 22, 1993 (FCC 93-451) . TX-ACSEC is authorized to state that the 9-1-1
program authorities in the states of California, Massachusetts, New Hampshire, New
Jersey, New Mexico, Washington and Oregon concur with this Petition.**

INTRODUCTION

TX-ACSEC is the authority in the State of Texas that is responsible for administering the implementation of statewide 9-1-1 service; developing minimum performance standards for equipment and operation of 9-1-1 services; and, allocating available funds to assist in the creation and operation of 9-1-1 services in all areas of Texas. *See, TEXAS HEALTH & SAFETY CODE § 771.051 (VERNON'S ANNOT. CODE 1993).* TX-ACSEC is vitally interested in ensuring that Texas citizens, and those travelling in our state, are able to obtain rapid emergency assistance through communications by dialing 9-1-1, regardless of the communications technology used to originate the emergency call.

Public safety agencies in Texas and throughout the nation have invested vast sums in equipment, personnel, training and communications networks to facilitate emergency response through 9-1-1. A major effort has been made to use the intelligence in the communications network or in computer technology to allow the location of the calling party to be rapidly and automatically identified, even when the calling party does not know his or her location or is unable to orally communicate with the Public Safety Answering Point.

This immense and vital effort must not be undermined or made considerably more difficult or expensive by wireless services, which are expected to become a major means of communications and will be interconnected with the landline network. Although the FCC mentioned the impact of wireless services on E-911 in the Second Report and Order (and "said the right things") TX-ACSEC submits that **action** is required. Words and expressions of concern are not sufficient to ensure that lives are not put at risk by ill-considered or inconsistent technical standards and interconnection requirements for wireless systems and services; substantive action is required.

TX-ACSEC therefore respectfully requests that the FCC amend its rules to establish substantive technical and operational requirements pertaining to 9-1-1 interconnection and location information delivery for PCS licensees as part of this proceeding. In the alternative, TX-ACSEC requests that the FCC promptly institute a proceeding "to address E-911 and related issues with regard to PCS, cellular, and any other relevant mobile service." *Second Report & Order*, ¶ 139. It is imperative that the

existing situation -- where cellular and other mobile services that interconnect with the public switched network do not provide any caller location information -- not be repeated with PCS, and should be promptly rectified for existing services. ¹

RECONSIDERATION POINTS

1. The Commission should grant reconsideration and adopt rules that condition issuance of a license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use.
2. The Commission should grant reconsideration and amend its rules to impose a substantive requirement that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with NENA and APCO in developing this standard.

ARGUMENT ON POINT 1

The Commission should grant reconsideration and adopt rules that condition issuance of a license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use.

The Commission stated its intention was to "ensure that all mobile services are provided with the highest quality at reasonable rates and to the greatest number of consumers." *Second Report & Order*, ¶ 5. A major goal of PCS was universality. *Id.* The Commission discussed in detail its expectations and the predictions of the commentators regarding the large demand for PCS, both in new ways and as a partial replacement of the traditional landline network. ¶¶ 14-19, *see*

¹ TX-ACSEC recognizes that it may not be procedurally permissible for the FCC to address cellular and wireless mobile licensees and rules in this docket, and a more focussed proceeding on E-9-1-1 and all wireless or radio services that interconnect with the landline network may be appropriate. Our concern is that the experience with cellular not be repeated, and that it be made clear that PCS service will be required to provide adequate location information about the calling party to the public safety answering point from the outset.

also, note 11. It is obvious that PCS will be interconnected with the traditional landline network and many calls will undoubtedly originate from wireless sets. Some portion of those calls will be emergency related and directed to 9-1-1.

Under present law landline carriers are required to provide connections to 9-1-1 systems and transmit calls and location identification information to Public Safety Answering Points. See, e.g., TEXAS HEALTH & SAFETY CODE § 772.118 (VERNON'S ANNOT. CODE, 1993). These laws, however, do not cover wireless services. The FCC has proposed to pre-empt any state laws that regulate wireless providers, see, *Implementation of Sections 3(n) and 332 of the Communications Act; Regulatory Treatment of Mobile Services*, GEN Docket 93-252, Notice of Proposed Rulemaking (Released Oct. 8, 1993), ¶¶ 69-71,² so any attempt by states to amend their 9-1-1 laws to require interconnection and location information delivery by wireless providers may be fruitless.

The FCC must impose a substantive requirement that PCS licensees provide location information on persons calling 9-1-1 to the Public Safety Answering Point, and in a format the 9-1-1 provider can interpret and use. The Commission is authorizing a new technology that will in some respects replace existing landline services. Present state law requires landline providers to interconnect with 9-1-1 and

² In that Notice, the Commission expressed the view that "most broadband and many narrowband PCS services will involve interconnected service to the public or large segments of the public." *Id.*, ¶ 45. With such extensive use and interconnection, it can hardly be argued there will be few 9-1-1 calls from wireless services.

transmit location information. The FCC is proposing to pre-empt state law, so it must fill the void as it pertains to required transmission of location information by wireless providers to 9-1-1 systems. Lives are in the balance; while the discussion in paragraph 139 says the right thing, it does nothing substantive other than provide some incentive for standards setting bodies to set one or more standards. Even if there are standards, however, there must be a duty, under force of law, for licensees to follow that standard and transmit the information.

ARGUMENT ON POINT 2

The Commission should grant reconsideration and amend its rules to impose a substantive requirement that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with NENA and APCO in developing this standard.

The FCC should explicitly require the standards setting bodies to devise a single standard, that is uniform across all wireless technologies, for delivery of calling party location information. It would be unreasonable to require local political subdivisions to expend precious resources to configure their systems to be compatible with a multitude of signalling protocols and interfaces. The Commission must impose a substantive requirement that there be one standard, transparent to all wireless technologies, that results in the delivery of location information in a format the public safety answering point can interpret and use.

It is important that the Commission require that the standard result in information 9-1-1 systems can interpret and use. These systems are currently somewhat limited in the formats of the data delivery stream they can interpret. For example, 9-1-1 was required to obtain a waiver from the Justice Department under the Americans with Disabilities Act because their TDD response systems cannot accept data in ASCII format -- at present they can only accept Baudot.

To ensure that the standard will work for 9-1-1 systems, the Commission will need to designate contacts or representatives from the public safety community. The National Emergency Number Association (NENA) and Associated Public-Safety Communications Officers, Inc. (APCO) are two organizations that represent the public safety community and have expertise in communications. These two organizations have recently undertaken a cooperative effort to address the issues of calling party number/location information delivery by wireless providers. TX-ACSEC therefore suggests that NENA and APCO be the designated representatives of 9-1-1 for purposes of working with standards setting bodies on these issues.

TX-ACSEC is not asking the Commission to establish the standard; we only request a requirement but that there be a uniform standard, with a format 9-1-1 providers can interpret and meaningfully use without going to great expense to reconfigure networks and purchase new equipment.

ALTERNATIVE REQUEST

If the Commission does not grant reconsideration as requested herein, it should immediately initiate a proceeding to address E-9-1-1 and related issues with regard to PCS, cellular and other relevant mobile services.

TX-ACSEC is aware of the Commission's statement in paragraph 139 that it intends to initiate a proceeding to consider wireless services and E-9-1-1. If the FCC chooses to not grant this Petition for Reconsideration, then it should immediately initiate that proceeding and provide a forum and procedural vehicle to ensure that the issues are resolved "while [PCS] equipment is still in the design stage", *Id.*, so that the cellular experience is not repeated. This approach would have the salutary benefit of addressing all wireless services, and hopefully solve the existing major problem of the failure to provide caller location information when cellular or mobile services are used.

CONCLUSION

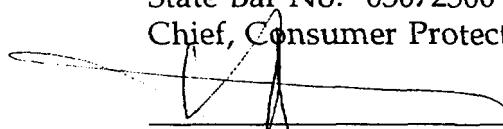
It is imperative that the FCC amend its rules to impose a substantive requirement that PCS providers transmit location information of subscribers that dial 9-1-1. Further, the Commission should, in its rules, require the standards setting bodies to work with NENA and APCO and devise a single, uniform standard for delivery of location information in a format that 9-1-1 systems can interpret and use. Accordingly, the FCC should grant this Petition for Reconsideration and amend its rules to implement these two essential mandates. In the alternative, the Commission should immediately institute a proceeding to address this issue, as it pertains to PCS,

cellular and other mobile services. The public safety, health and welfare require no less.

Respectfully submitted,

DAN MORALES
Attorney General of Texas

JOE K. CREWS
Assistant Texas Attorney General
State Bar No. 05072500
Chief, Consumer Protection Division



W. SCOTT McCOLLOUGH
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State Bar No. 13434100

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MAY 05 1994

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December 8, 1993

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Claudio R. Sanchez CFE, Chief Auditor

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

VIA FACSIMILE (202) 653-5402

RE: *In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, RM-7140, Rm-7175, RM-7618; TX-ACSEC's Supplemental Petition for Reconsideration of Second Report and Order

Dear Commission Secretary:

Please accept this letter as a supplement to the Texas Advisory Commission on State Emergency Communications' (TX-ACSEC's) Petition for Reconsideration of the Commission's Second Report and Order in the above-mentioned proceeding, which was submitted (via overnight mail) for filing on this date. The first paragraph of the pleading contained this sentence:

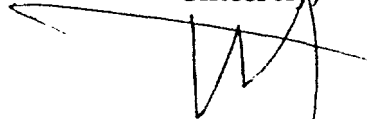
TX-ACSEC is authorized to state that the 9-1-1 program authorities in the states of California, Massachusetts, New Hampshire, New Jersey, New Mexico, Washington and Oregon concur with this Petition.

Since the time the pleading was mailed, some additional state 9-1-1 program authorities have requested to be included in the list of states that support TX-ACSEC's Petition for Reconsideration. The additional states are Maryland, Minnesota, South Dakota and Vermont. Accordingly, by this letter, we request leave to supplement the filing to add these states. As supplemented, the sentence should read.

TX-ACSEC is authorized to state that the 9-1-1 program authorities in the states of California, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, South Dakota, Washington, Vermont and Oregon concur with this Petition.

Please bring this supplement to ACSEC's Petition for Reconsideration to the attention of the Commission. Thank you for your attention to this matter, and for accepting a facsimile filing.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. Scott McCollough', written over a horizontal line.

W. Scott McCollough
Asst. Attorney General
State of Texas
Counsel for TX-ACSEC

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MAY 13 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Amendment of the Commission's)	GEN Docket No. 90-314
Rules to Establish New Personal)	
Communications Services)	RM-7140, RM-7175, RM-7618

REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION
**BY THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS**

Respectfully submitted,

DAN MORALES
ATTORNEY GENERAL OF TEXAS

Jorge Vega
First Assistant Attorney General

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Counsel for Texas Advisory Commission on State Emergency Communications

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN 13 1994

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In the Matter of)	
Amendment of the Commission's)	GEN Docket No. 90-314
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REPLY TO OPPOSITIONS TO PETITION FOR RECONSIDERATION

**NOW COMES THE TEXAS ADVISORY COMMISSION ON STATE
EMERGENCY COMMUNICATIONS (TX-ACSEC), by and through DAN
MORALES, the Attorney General of Texas, and submits this REPLY TO
OPPOSITIONS TO PETITION FOR RECONSIDERATION of the Commission's
Second Report and Order, released October 22, 1993 (FCC 93-451) . This Reply
deals only with those parties that addressed TX-ACSEC's Petition for
Reconsideration.**

INTRODUCTION

TX-ACSEC's Petition for Reconsideration requested that:

1. The Commission grant reconsideration and adopt rules that condition issuance of a license on a commitment to provide calling party location information to E-9-1-1 systems in a format the local E-9-1-1 system can interpret and use; and
2. The Commission should grant reconsideration and amend its rules to impose a substantive requirement that a single, uniform standard for delivery of the calling party's location be developed, and that the standard setting bodies consult with NENA and APCO in developing this standard; or,
3. The Commission should immediately initiate a proceeding to address E-9-1-1 and related issues with regard to PCS, cellular and other relevant mobile services.

Two parties, APCO and NENA, responded to TX-ACSEC's Petition and supported the requested relief. MCI opposed singling out PCS, among all mobile services, for unique treatment, but claimed that "[s]tandardization of interfaces to 911

systems and mandatory transmission of position location for emergency purposes should be developed in a manner that does not delay the deployment of PCS or increase the already substantial cost of PCS deployment." MCI Opposition, p. 22. In essence, MCI opposed TX-ACSEC's Points 1 and 2, but supported Point 3. KSI filed comments indicating it does not "object to the imposition of a requirement upon PCS licensees ... to incorporate E-911 capability within their systems" KSI did oppose FCC involvement in standard setting for E-911. KSI Comments, p. 2. Nextel asserted that the Commission "should not impose compatibility standards for PCS" and that there should be no "further regulation in this area." Nextel Opposition, pp. 15-16. Telocator was the most vocal opponent to TX-ACSEC's Petition. Its position is that "E-911 issues should be left to the industry for resolution in conjunction with the states," and E-911 access should be voluntary. Telocator expects that E-911 issues relating to PCS will be relatively uncontentious, and claims that "a mandate for provision of E-911 services is premature, unwarranted and could, in fact, prove to be counterproductive." Telocator Opposition, pp. 13-14. TX-ACSEC herein replies to those parties.

REPLY POINT 1
**A RECENT NATIONALLY PUBLICIZED EVENT
TRAGICALLY DEMONSTRATES THE NEED FOR
LOCATION INFORMATION FROM WIRELESS CALLS TO 9-1-1**

Attached to this Reply is a reprint of two articles that appeared in the *Austin American Statesman*.¹ They describe an event that occurred in Houston Texas on December 14, 1993. Jeff Alm , a player on the Houston Oilers Football team, was involved in an automobile accident. His best friend, Sean Lynch, was a passenger in the car and was ejected from the car in the accident. Jeff Alm dialed 9-1-1 from the cellular phone in his car to seek emergency assistance. He was unable to give his location, probably because of confusion, shock from the accident and concern for his friend. While the dispatcher attempted to determine the location, Mr. Alm apparently gave up. He then discharged a gun into the air three times ~~ perhaps again to allow someone to determine the location of the accident. Finally, in desperation and sadness, Mr. Awn turned the gun on himself and, firing one last time, committed suicide.

¹ The *Austin American Statesman* is owned by Cox Enterprises, which is an active participant in this and other proceedings before the FCC.

The entire conversation lasted about 1 minute and 50 seconds. Part of it was as follows:

EMS Dispatcher: EMS
Alm: Sean, all you all right?
EMS Dispatcher: Houston Fire and Ambulance. What is your emergency?
Alm: I've had an accident on, uh...
EMS Dispatcher: Go ahead ... Go ahead ... Hello?
Alm: I've had an accident on uh, on 59, uh ...
EMS Dispatcher: Go ahead.
Alm: On 59 north, where 59, uh, meets 610. I have a buddy dying. I have a car, hit the accident ... My buddy ...He ended up on 610. 59 and 610.
EMS Dispatcher: Are you northbound or southbound?
Alm: Uh, 59 where 59 north goes on, uh ...
EMS Dispatcher: 610?
Alm: (Loud sob or moan) Hello?
EMS Dispatcher: Go ahead.
Alm: Hello?
EMS Dispatcher: Go ahead. Where are you sir? Sir? Sir, go ahead. Hello?
Pause, then first of four gunshots. No more conversation occurred.

(The Dispatcher ultimately disconnected and sent an ambulance to the other side of town. A transit officer came upon the scene about 10 minutes later, and called 911 with the proper location.)

If calling party location information had been transmitted from the cellular phone ~~ as it is on landline calls to the Harris County 9-1-1 system ~~ the 9-1-1 operator would have automatically and immediately known where Mr. Alm was, and could have calmed him by telling him that help was on the way. Jeff Alm might be still alive today, if only location information had been delivered on that call.

The Jeff Alm situation, and the transcript of the call, are compelling. The story made the national news only because Mr. Alm was a professional athlete for a well known football team. This could happen to any one of us, however. Indeed, it will be an everyday occurrence if PCS is used as extensively as projected and there is no requirement of location information delivery. All should pray that none of their friends, family or employees are involved in an automobile accident and are for some reason unable to orally communicate their location during a wireless communication.

REPLY POINT 2

**E-9-1-1 IS NOT VOLUNTARILY PROVIDED BY CELLULAR CARRIERS
NATIONWIDE; LOCATION INFORMATION IS ESSENTIAL; AND
A MANDATE IS REQUIRED**

The FCC did not require that cellular systems provide location information at the time it began to authorize the service. To the extent this failure was because the Commission listened to arguments against "further regulation" and for leaving to "the marketplace (or voluntary provision) the task of ensuring the availability of such desirable features as ..." location information (Nextel Opposition, p. 15; Telocator Opposition, p. 13) it should not repeat that error with PCS.

Telocator erroneously claims E-9-1-1 access is voluntarily provided nationwide. Although it is true that most carriers allow a call from a cellular phone to connect to 9-1-1 via the landline network, TX-ACSEC is not aware of any that provide Automatic Number Identification (ANI) or Automatic Location Information (ALI) information. Connecting to a 9-1-1 PSAP without ANI or ALI is not E-9-1-1; it is "Basic" 9-1-1. E-9-1-1 (or "Enhanced" 9-1-1) is service with ANI and/or ALI. Telocator's misunderstanding about this fundamental part of 9-1-1 service shows the meager extent to which the industry² has even considered or planned to provide 9-1-1 access comparable to that on the landline network. In any event, it is obvious that cellular location information was not available in Houston, and a life was lost as a result.

² Telocator is "the Personal Communications Industry Association." Opposition, p. 1. TX-ACSEC therefore assumes that Telocator's lack of knowledge is common to the industry.

TX-ACSEC is aware of the discussions between Telocator and NENA and APCO, and filed its Petition for Reconsideration in part because of those discussions. Some members of the industry have indicated a reluctance to provide location information. Others may voluntarily provide the information, but there is no guarantee it will not be in "their" format, which may vary among providers, that the data flow will be in a format E-9-1-1 systems can interpret or use.

TX-ACSEC must also disagree with Telocator's characterization of APCO and NENA's "priorities." Location information is important, and the 9-1-1 representatives were ranking location information near the top: Among the items listed by Telocator, call back and PSAP routing are **dependent** on number or location information. In order to route a PCS call to the proper PSAP for emergency response, the caller's location is essential. To return a disconnected call, the calling number must have been transmitted to the PSAP.

REPLY POINT 3
**TX-ACSEC WANTS TO WORK WITH INDUSTRY, BUT INDUSTRY
HAS LITTLE INCENTIVE TO WORK WITH 9-1-1**

Absent an affirmative obligation to provide needed caller information, the industry has no incentive to do what it takes to see that this is done. MCI, for example, has already complained about the potential "cost" of saving lives. MCI Opposition, p. 22. TX-ACSEC merely requests that the FCC impose an obligation as a condition of licensure, and that it recognize the need for a uniform standard. The details and standards development can then be left to "cooperation" between industry and 9-1-1. 9-1-1, however, has little bargaining power; the states may have no power to impose legal requirements given the FCC's announced intention to pre-empt. In such an environment, there is no motivation for the industry to compromise or defer to the desires of 9-1-1 representatives in any respect.

In addition, even if 9-1-1 and Telocator reach agreement, individual members of that association, or others not in the association, would have no legal compulsion to adopt and use that standard. The local PCS providers could use any format, or no format. The different providers in any area may each have their own format. The taxpayers would bear the cost of configuring 9-1-1 systems to interpret the multiplicity of formats in which calling party information was delivered in any given area, if it is delivered at all. This problem is compounded by the fact that 9-1-1 systems cover areas that are likely to be defined differently than the MTAs and BTAs adopted by the FCC for PCS. An 9-1-1 system may have to configure to accept

information from a large number of providers, each with its own format.

TX-ACSEC does not request the FCC to establish a standard: that is what standards bodies are for, and TX-ACSEC supports cooperation between industry and the 9-1-1 community to develop a standard. The request is that the Commission require that a single standard format for information hand-off between all wireless systems and the landline network be developed. Each provider may use any of the location technologies that are developed by the marketplace (such as those mentioned by KSI). The data flow and interface, however, must be uniform once it enters the landline network. Otherwise, each 9-1-1 system will have to constantly configure to accept and interpret a number of different formats. This would be unreasonably costly and potentially put lives at risk.

CONCLUSION

The "marketplace" has not seen fit to provide location information delivery on cellular, and this will likely be repeated with PCS, absent "government regulation." It is important to remember that TX-ACSEC, with the support of several parties, is asking only that the obligation be established: the standards themselves should and can be developed through cooperative working groups. Those standards must then be adopted by the FCC as a formal requirement. There are times when government intervention is justified, and this is one of them, yet TX-ACSEC has fashioned its requested relief to minimize the amount of regulation and maximize cooperative measures to obtain an essential goal.

This work must begin now, but complete industry cooperation is certain only if the FCC imposes the requirements mentioned above. TX-ACSEC again requests that the FCC grant its Petition for Reconsideration and act now to ensure that 9-1-1 can provide emergency assistance from wireless calls, using location information, "when seconds count."

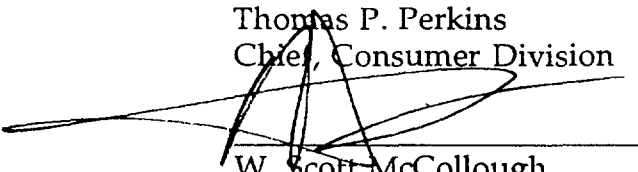
WHEREFORE, PREMISES CONSIDERED, the TEXAS ADVISORY COMMISSION ON STATE EMERGENCY COMMUNICATIONS, respectfully requests that the FCC grant TX-ACSEC's Petition for Reconsideration.

Respectfully submitted,

DAN MORALES
ATTORNEY GENERAL OF TEXAS

Jorge Vega
First Assistant Attorney General

Thomas P. Perkins
Chief, Consumer Division



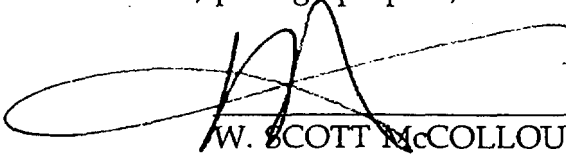
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on all parties of record by depositing same in U.S. Mail, postage prepaid, on this the 12th day of January, 1994.



W. SCOTT MCCOLLOUGH
Assistant Texas Attorney General

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